REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed February 7, 2007. Claims 1, 16, and 29 have been amended. No Claims have been added, canceled, or withdrawn. Thus, Claims 1-43 remain pending in this application. Support for the amendment can be found at paragraphs [0011], [0026-0027], [0030], [0048], and [0054]. Thus, no new matter has been added. Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summary

Applicant wishes to thank the Examiner for the courtesy of the interview conducted on October 19, 2007. During the interview, the above-referenced amendments were discussed. No agreement was reached. If the Examiner wishes to expedite examination following completion of any additional search, the Examiner is invited to contact the undersigned to discuss any issues raised or remaining.

Rejections under 35 U.S.C. § 102

Claims 1-43 stand rejected as being anticipated under 35 U.S.C. §102(e) by U.S. Publication No. 20040107319 by D'Orto (hereinafter "D'Orto").

More particularly, the Examiner states that D'Orto teaches:

> a method for updating a cache, comprising regenerating a request from metadata (i.e. the type of data and a frequency at which the source data is updated) associated with content previously stored in the cache, wherein the previously stored content was generated based on a

> previously received request identical to the generated request and the metadata is stored in conjunction with the previously stored content; receiving new content, wherein the new content is generated based on the request; and replacing the previously stored content with the new content in the cache (e.g. see paragraph [0012] and Figs. 1-4.)

The rejection is respectfully traversed. Independent Claims 16 and 29 recite limitations similar to those of Claim 1. Thus, traversal to the rejection will be collectively discussed herein with respect to Claim 1.

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

> "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As amended, Independent Claim 1 recites amethod for updating a cache, comprising:

designating request metadata to be extracted from a request;

associating the request metadata and template metadata with content responsive to the request, wherein the request resulted in delivery of the content;

storing metadata in conjunction with the content responsive to the request in the cache, wherein the metadata includes the request metadata and the template metadata;

in response to a stimulus, regenerating the request from the metadata associated with the content stored in the cache;

passing the regenerated request to a server for new content;

receiving the new content, wherein the new content is generated based on the regenerated request; and

replacing the stored content with the new content in the cache.

D'Orto, in contrast, describes a variety of rules to automatically update information stored in a cache to increase operating efficiency and reduce the time required to access the information (see paragraph 0012). These rules are described by D'Orto as comprising information used by cache manager 30 to determine a frequency or schedule for updating data 40 stored in cache 14 (see paragraph 0017). Thus, D'Orto's set of rules is directed at determining the frequency at which data is updated. Applicant has searched D'Orto in vain for a disclosure of the ability to designate request metadata to be extracted from a request for a later regeneration of that request as set forth in Claim 1.

Likewise, D'Orto fails to teach associating the request metadata extracted from the request with content responsive to the request. Nor does D'Orto describe, teach, or even suggest storing the extracted metadata in conjunction with the content responsive to the request as set forth in Claim 1. Applicant also notes that the claimed invention enables content to be delivered in response to a request that is tailored more accurately to the minute specifics of the incoming request (see paragraph 0017). This ability represents an advantage of the invention recited in Claim 1 that D'Orto's update frequency rules do not teach or even suggest.

In closing, since D'Orto does not disclose each and every element of Claim 1 as is required for an anticipation rejection, Applicant respectfully requests that the rejection of Claim 1 be withdrawn. Further, because Claims 2-15 depend from Claim 1, Applicant respectfully submits that Claims 2-15 are also allowable over D'Orto and requests that the rejection of Claims 2-15 also be withdrawn. For similar reasons, Applicant respectfully requests that the rejection of Claim 16-43 also be withdrawn.

In response to the Examiner's comments on page 7-8 of the Office Action, Applicant respectfully submits that the Affidavit as filed provided sufficient evidence that, among others, the date of conception of the claimed invention was as early as November 20, 2002, as shown on the title page of Exhibit A accompanying the Affidavit. Applicant respectfully notes that Exhibit A is a copy of a document entitled "Cache On Delivery (COD) Cache Manager (CM) Design Document" (hereinafter referred to as "Document/Exhibit A") and submitted to the U.S. Patent and Trademark Office on December 13, 2002, as part of U.S. Provisional Application No. 60/433,408, from which the present application claims priority. The Provisional Application, which is accessible via Public

Patent Application Information Retrieval (Public PAIR) at the U.S. Patent and Trademark Office website, contains the entire 68 pages of the Document/Exhibit A, including the title page dated November 20, 2002. Thus, the invention as claimed in the present application was conceived no later than November 20, 2002, at least as evidenced by the Document/Exhibit A, and reduced to practice no later than December 13, 2002, at least as evidenced by the filing of the Provisional Application.

Applicant respectfully notes that support for the invention as claimed can be found in the Document/Exhibit A dated November 20, 2002. For example, page 10 describes that "[t]he regeneration request will contain the cache-sensitive request parameters saved from the request that originally caused the instance to be cached. As another example, pages 13-31 illustrate calls handled by one embodiment of a regenerator, which is further described in Chapter 8, pages 39-42. Applicant also notes that the present application lists inventors per their contribution to the subject matter claimed in Claims 1-43, the authorship of Exhibit A notwithstanding.

Applicant further respectfully notes that the submission of the invention disclosure documents, including the Document dated November 20, 2002, to Applicant's patent attorney for filing the Provisional Application is sufficient evidence of diligence on the part of Applicant. Diligence does not require that "an inventor or his attorney ... drop all other work and concentrate on the particular invention involved...." *Emery v. Ronden*, 188 USPQ 264, 268 (Bd. Pat. Inter. 1974). *See also*, M.P.E.P. § 2138.06. Applicant's attorney worked reasonable hard on the Provisional Application during the continuous critical period and filed the Provisional Application on December 13, 2002. See *Bey v. Kollonitsch*, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986) (Reasonable diligence is all that is required of the attorney. Reasonable diligence is established if attorney worked reasonably hard on the application during the continuous critical period. If the attorney has a reasonable backlog of unrelated cases which he takes up in chronological order and carries out expeditiously, that is sufficient. Work on a related case(s) that contributed substantially to the ultimate preparation of an application can be credited as diligence.).

Having addressed the Examiner's comments, Applicant respectfully requests the withdrawal of the rejection.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include any acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-43. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

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Date: October 23, 2007

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